



U.S. DEPARTMENT of STATE

Argentina

Country Reports on Human Rights Practices - [2002](#)

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Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In 1999 voters elected President Fernando de la Rúa in generally free and fair elections. After protests in December 2001, de la Rúa resigned and was succeeded briefly by three interim presidents before the Legislative Assembly elected Eduardo Duhalde to serve out the remainder of the de la Rúa term. The Constitution provides for an independent judiciary, but judges and judicial staff were inefficient and at times subject to political influence.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. The Federal Police (PFA) report to the Ministry of Justice, Security, and Human Rights, as do the Border Police ("Gendarmeria") and Coast Guard. The PFA has jurisdiction in the Federal Capital and over federal crimes in the provinces. Provincial police are subordinate to the provincial governors. Some members of the security forces committed human rights abuses.

The country has a market-based mixed agricultural, industrial, and service economy and a population of approximately 36.2 million. A recession that began in 1998 deepened, and production and consumption dropped sharply after the banking system was paralyzed, the Government defaulted on loan obligations, and the local currency--uncoupled from the dollar--lost 70 percent of its value. Per capita gross domestic product dropped from \$7,418 in 2001 to approximately \$2,700, and unemployment rose to 21.5 percent. Income disparities increased, and over 50 percent of the population lived below the poverty line.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were instances of killings, torture, and brutality by police and prison officials. Authorities prosecuted some police for such actions, although impunity continued, particularly in jails and prisons. Police corruption was a problem. Police used excessive force against demonstrators on several occasions. Overcrowding in jails and prisons was a problem. Provincial police sometimes arbitrarily arrested and detained citizens. The judiciary showed clear signs of politicization. The judiciary continued to work through the legacy of human rights abuses of the "dirty war" of the 1976-83 military regime. Anti-Semitism remained a problem; however, the Government took steps to combat it. Domestic violence against women was a problem. Discrimination against racial and ethnic minorities persisted. Child labor was a problem. Argentina was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings; however, police and prison officers were responsible for a number of killings involving the use of unwarranted or excessive force. The authorities investigated and in some cases detained, tried, and convicted the officers involved; however, impunity for those who committed abuses was sometimes a problem.

There were a number of killings, including prison killings with suspected official involvement, killings at the time of apprehension, killings of demonstrators, and killings by stray bullets.

On June 18, Daniel Chocobar died after being attacked by another prisoner the previous day. Chocobar had been transferred to Prison Unit 9 of La Plata, Buenos Aires, after having denounced mistreatment in 2001 in General Alvear prison, where other prisoners subsequently reported that officials offered them incentives to kill Chocobar (see Section 1.c). Chocobar's death followed that of at least four other prisoners who had filed complaints or served as witnesses against prison mistreatment.

On June 26, Dario Santillan and Maximiliano Kosteki were shot and killed following a confrontation between police and roadblock demonstrators in the Buenos Aires suburb of Avellaneda (see Sections 1.c. and 2.b.).

On September 14, Roque Sebastian Villagra was killed by Federal Police in Buenos Aires. The police initially reported that Villagra was killed while resisting arrest; however, an autopsy later determined that Villagra, who had a police record, was shot in the back of the neck at close range. Three police were under preventive detention at the end of the year.

Also on September 14, Federal Police agents forced three youths to jump into the Riachuelo river. One of the youths, 19-year-old Ezequiel Demonty, drowned. An autopsy showed Demonty, who had a hearing disability, received blows in the face and head prior to his drowning. Nine police were detained and charged with "illegal deprivation of liberty followed by death," although the case initially was filed as "torture followed by death." At year's end, the case had not come to trial.

Of the estimated 27 deaths that occurred in relation to the December 2001 store lootings and demonstrations, at least 5 in the city of Buenos Aires, 3 in Rosario and 1 in Santa Fe appeared attributable to police, according to information compiled by the Center for Legal and Social Studies (CELS). In the case of the five demonstrators killed in downtown Buenos Aires, an investigation began shortly after the events. A federal judge ordered the arrest of the former Minister of Interior, the Secretary of Interior, and various other officials. The two political level officials were released, although not exonerated, approximately 5 months later at the order of a higher court, which also ordered that the former Minister and the former President be questioned in the continuing investigation. Judge Oswaldo Barbero's investigation into the deaths that occurred in Rosario remained pending at year's end.

The policeman whose personal weapon fired the bullet that killed bystander Edith Acevedo in El Talar, Buenos Aires Province, in March 2001, was convicted of homicide on November 7. The judge suspended his sentence of 3 years and released him after he had spent over 18 months under detention pending trial.

Two police officers were charged in the case of the April 2001 killings of minors Gaston Galvan and Miguel Burgos whose bodies with hands and feet tied had been found with multiple gunshot wounds on a roadside in Tigre, Buenos Aires Province: One of the officers was in jail and the other was a fugitive. Two other officers from the same suspected group--which some human rights groups considered a death squad--were under detention for the killings of other minors. The deaths of 64 minors who were killed in supposed confrontations with police in Buenos Aires Province during 1999 and 2000 remained under investigation by the Attorney General. In March the Attorney General made public the first report on his investigation into the suspicious deaths of minors, including a list of 15 police officers suspected of involvement.

There was no new information on the investigations in: The March 2001 shooting death of 16-year-old Martin Gonzalez in Tigre, Buenos Aires Province (with suspected involvement of a policeman) or the June 2001 deaths of Carlos Santillan and Oscar Barrios (apparently related to confrontations between police and roadblock protesters).

On March 14, Cordoba's general prosecutor closed the investigations into the 2000 death of Vanesa Lorena Ledesma, a transvestite who died after 5 days under detention for a bar fight, concluding that Ledesma died of natural causes related to a congenital heart anomaly.

In June a court convicted policeman Francisco David Bravo of homicide in the line of duty in the 2000 death of Juan Marcelo Carunchio in Cordoba. The court sentenced him to 2 years and 6 months, which was suspended and prohibited him from working as a police officer for 5 years. The court ordered police and provincial government to pay an indemnity to Carunchio's family.

In October a former Caseros prison guard was convicted of homicide and sentenced to 20 years for the 2000 restaurant killing in which Maximiliano Noguera allegedly participated with the connivance of penitentiary staff. Another Caseros prison inmate was sentenced to 8 years for the associated robbery.

A policeman, Felipe Gil, was under detention and awaiting trial for homicide in the deaths of Jose Zambrano and Pablo Rodriguez in Mendoza Province in 2000. Several police who were detained in a related corruption case were

later exonerated.

There was no new information on the killings in 2000 of Manuel Fernandez in Jujuy, Jorge Marcelo Gonzalez in Corrientes, or Anibal Veron in Salta.

A trial of police officers suspected of killing two hostages as well as a robber in the 1999 Villa Ramallo bank robbery--which some believe was done to hide possible police involvement in the robbery--remained pending at year's end. A trial for the robbery itself ended in September with several convictions, including that of one policeman.

The investigation continued into the 1994 terrorist bombing of the Buenos Aires Jewish Community Center (AMIA) in which 85 persons were killed. The trial of 20 suspects (15 of whom are former police officers) accused of providing material support for the attack began in September 2001 and continued at year's end (see Section 5).

Courts continued to challenge the "Due Obedience" and "Full Stop" amnesty laws and pardons that benefited those suspected of having committed human rights violations during the 1976-83 military regime. In one such case, Judge Rodolfo Canicoba Corral investigated cooperation among military and security officials of the six participating nations of "Operation Condor." In another case, in July Federal Judge Bonadio ordered the detention of over 40 individuals, mainly former military, intelligence, and police officials, including Leopoldo Galtieri (now deceased) and former generals Cristino Nicolaides and Carlos Suarez Mason. Bonadio was investigating the kidnaping and killing of 18 exiled Montonero guerrillas who had returned to the country for a 1979-80 "counteroffensive." Other prosecutions of "dirty war" era offenses included cases stemming from crimes committed prior to the 1976 military coup, crimes involving theft of detainees' goods, and crimes related to the appropriation of minor children of detainees (see Section 1.b.). "Truth Trials" continued and in some cases brought testimony resulting in new court cases challenging the amnesty laws.

The final decision as to the validity of the amnesty laws reached the Supreme Court, after federal judge Gabriel Cavallo declared amnesty laws invalid in March 2001 and an appeals court upheld that decision the following November. Cavallo and the appeals court based their decisions in part on the argument that the crimes at issue were proscribed by international law, which under Argentina's constitution would take precedence over local law (see Section 1.b.). In August Attorney General Nicolas Becerra issued an opinion arguing that the Supreme Court should declare the amnesty laws unconstitutional.

Judicial authorities in Spain, Italy, France, Sweden, and Germany sought to prosecute those believed responsible for disappearances and killings during the military regime. In a December 2001 decree, the Government stated that the Foreign Ministry would refuse extradition for acts that occurred in its national territory or under its jurisdiction, confirming a long-held policy. In January the Government rejected Sweden's request for extradition of former naval officer Alfredo Astiz.

Retired Navy Commander Ricardo Cavallo, arrested in Mexico in 2000, continued legal challenges in Mexico to his extradition to Spain to face charges of genocide, torture and terrorism.

In July Chile rejected Judge Maria Servini de Cubria's request for extradition of six former military and intelligence officials for the 1974 assassination of Chilean general Carlos Prats and his wife in Buenos Aires on the grounds that the extradition request had not included sufficient information to prove the participation of the officials in the crime. In March Chilean courts also rejected the extradition of the former director of the Chilean intelligence agency Manuel Contreras, requested by Judge Canicoba Corral in the Operation Condor investigation for similar reasons.

During the year, 45 Federal Police were killed in the Buenos Aires area: Six were on regular duty, and the others were performing official guard services.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Judicial proceedings and extradition attempts related to killings, disappearances, and torture committed by the 1976-83 military regimes continued (see Section 1.a.).

The Under Secretariat for Human Rights, which maintains the files of the National Commission on Disappeared Persons (CONADEP), received 9,005 claims for financial compensation from families of those who died or

disappeared during the military dictatorship. While some human rights groups claimed that as many as 30,000 persons disappeared, the number of compensation applications suggested that a figure between 10,000 and 15,000 may be more accurate.

At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate the kidnaping and illegal adoption by members of the former military regime of children born to detained dissidents. There were an estimated 250 to 300 such cases. The Grandmothers also assisted families in presenting about 200 cases of kidnaped children nationwide and by mid-year had identified 73 children of disappeared persons.

In March Uruguayan Sara Mendez, whose baby was kidnaped while she was detained in a clandestine detention center in Argentina in 1976, was reunited with her 26-year-old son Simon Riquelo.

Francisco Gomez was imprisoned and his wife, Teodora Jofre, placed under house arrest, accused of falsifying documents and appropriating the child of Patricia Roisinblit and Jose Manuel Perez, born while the parents were held in a clandestine detention center. Navy doctor Jorge Luis Magnacco also remained under house arrest for having attended the clandestine births.

A Supreme Court decision was pending in the case of a suspected daughter of a couple who disappeared; the daughter refused a 2000 court order to provide a blood sample for DNA analysis to prove her true identity. The woman said that she will submit the sample voluntarily only if her adoptive parents, who have been detained since 1999 on charges of illegal adoption and substitution of identity, are given immunity.

Many of the military junta leaders sentenced in 1985 to life imprisonment for crimes committed during the military dictatorship, who were pardoned in 1990 and then rearrested in 2000, remained under house arrest.

Despite amnesty laws benefiting those suspected of human rights abuses during the dirty war, since 1995 human rights activists have pursued truth trials, intended to correct official records, especially with regard to the fate of those who disappeared and those born in captivity (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Criminal Code provides penalties for torture similar to those for homicide; however, torture and brutality by police and prison guards remained serious problems. Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the prison and police forces. The Government investigated some reports of police or prison brutality, but few cases were tried and even fewer resulted in convictions. In some jurisdictions, such as Mendoza Province and greater Buenos Aires, threats to witnesses and advocates made prosecution of abuses and reform more difficult. A January 2001 report of the U.N. Special Rapporteur on Torture recalled concerns raised in the U.N. Human Rights Commission's October 2000 review under the International Covenant on Civil and Political Rights. In particular, the Rapporteur noted concerns about allegations that torture and excessive use of force by police officials were "a widespread problem and that government mechanisms established to address it are inadequate." The Rapporteur's report also expressed concern about prison conditions and cited specifically "the severe overcrowding and the poor quality of basic necessities and services, including food, clothing and medical care." The report also stated that it had been established that there had been "abuses of authority by prison officials, such as torture and ill-treatment and corruption." A Secretariat for Human Rights for Buenos Aires Province was created in January, with one of its first tasks being development of a Program for the Prevention of Torture.

In 2001 three federal judges strongly criticized "the generalized practice of torture in all its forms in a systematic way, in the area of investigations and the treatment of detainees, especially in the Province of Buenos Aires, where there is a history of authoritarian style state violence." The judges based their report in part on a 2000-01 investigation by public defender Mario Coriolano and noted that few instances of complaints were sustained in courts because of the difficulty of obtaining proof due to witnesses' fear of reprisals.

According to press reports, a study by the National Attorney General's office indicated that of 676 complaints filed in the Federal Capital of Buenos Aires in 2000 for illegal harassment or torture, only 4 public trials were held, and there were no convictions. In the first half of 2001, 271 complaints were filed; 2 trials were held that resulted in 1 conviction. A July 26 report by CELS to the U.N. Special Rapporteur on Torture indicated that the number of complaints for torture of minors under state supervision in Buenos Aires Province more than doubled in the first 6 months of the year over the same period in 2001. In general there was little improvement in the treatment of prisoners, including minors, and impunity for abuses prevailed. Steps were taken that could weaken detection and

prosecution, such as placing the Buenos Aires provincial prosecutor rather than the public defender in charge of registering abuses.

On May 10, police in the Buenos Aires suburb of Florencia Varela detained a young couple to "check their records." The two were then beaten. Upon her release, the woman, Andrea Viera, already in poor health, had to be taken to a hospital where she died several days later. An investigation was begun and seven police were detained and are awaiting trial.

According to witnesses and consistent with an autopsy report, Ezequiel Desmonty was beaten by police prior to being forced into a river where he drowned on September 14 (see Section 1.a.).

Two police officers were charged in the April 2001 killings in Tigre, Buenos Aires, of two boys whose families had filed torture complaints: One of the officers was in jail, and the other was a fugitive (see Section 1.a.).

There was no new information in the two 2001 cases of beating and intimidation of police witnesses who alleged police corruption, involving Adrian Lopez in Mendoza Province and Roberto Lucero and Maria de los Angeles de Romero in Buenos Aires Province.

Five police agents, including a chief, were jailed and face charges for torture in the case of Javier Villanueva, detained in Lomas de Zamora, Buenos Aires Province in October 2001, and later determined by a medical examination to have been subject to torture by electrical shock.

In May a court convicted a policewoman, three other former provincial police, and a member of the national intelligence agency (SIDE) and sentenced them to 3 to 15 years in prison for the 2000 beating of Ariel Simonini in Tres de Febrero, Buenos Aires Province.

There was no further information in Judge Mario Castillo Sola's investigation of the 2000 kidnaping and torture of Aldo Bravo by provincial police of Santiago del Estero or in Judge Hugo Perotti's investigation into the 2000 police beating of Cristian Omar Lopez in Diamante district.

There were numerous charges of police corruption. Police activities were often not well financed and police were not well paid, with a starting monthly salary of \$110 (400 pesos) compared with an average worker's earnings of approximately \$150 (550 pesos) monthly. A police captain earns approximately \$560 (2,000 pesos) monthly. Police often performed official contract guard duty to earn extra money. Police corruption was systemic; some of the most common practices included extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of citizens under the threat of planting evidence to charge them for crimes. Addressing police corruption was difficult in part because the suspects intimidated whistleblowing colleagues, judicial officials, and civilian witnesses. Threats and beatings allegedly aimed to intimidate witnesses were common and, in some cases, occurred in connection with murders believed committed by members of security forces (see Section 1.a.).

Provincial police and Federal Border Police clashed with demonstrators on numerous occasions during the year (see Section 2.b.). On a number of occasions police used tear gas, water cannons, and rubber bullets to disperse demonstrators, and injuries and deaths were reported. In a confrontation in Buenos Aires Province on June 26, two persons were killed and others were injured (see Sections 1.a. and 2.b.).

The investigation into the killing of at least five persons in protests in Buenos Aires in December 2001 continued, and there were a number of detentions made in the case (see Sections 1.a., 2.b., and 3.).

In the March 2001 beating of Maria Dolores Gomez, public defender in San Isidro, Buenos Aires Province, investigations failed either to substantiate that the assault on Gomez were related to her work or to corroborate evidence of threats to Gomez. However, the Border Police provided protection to Gomez in response to a request by the Inter-American Commission on Human Rights (see Section 1.e.).

There was no known progress in the investigations into the January 2001 explosion that damaged a Shi'a Muslim mosque in Buenos Aires (see Section 5) or into the May 2001 attack on the daughter of political activist Hebe de Bonafini in Buenos Aires Province (see Section 4).

Prison conditions were poor. Some facilities are old and dilapidated, and many prisons and jails were overcrowded. A notable increase in crime and stricter provisions for early release combined with a slow judicial system to fill

prisons and police stations to well above capacity. According to CELS, in Buenos Aires Province (which accounts for over 37 percent of all prisoners nationwide) 24,200 prisoners were held in facilities designed for 15,900, and over 80 percent of those incarcerated were held in pretrial detention. The overcrowding contributed both to security problems--such as jailbreaks and riots--and to mistreatment of prisoners.

Torture and brutality by prison guards and officials remained serious problems. A number of prisoners who had previously filed complaints about torture and mistreatment were killed in prison in 2001 and 2002. After filing a torture complaint at General Alvear Prison in 2001, Daniel Chocobar produced witnesses who testified that prison officials had offered other prisoners benefits in exchange for killing him. Chocobar was transferred but was stabbed by another prisoner at Prison Unit 9 in La Plata on June 17 and died the next day. Several other prisoners, such as Juan Ramon Gonzalez Sosa, who had testified about mistreatment at General Alvear prison, were also killed under suspicious circumstances in 2001 (see Section 1.a). There was no reported serious investigation of these cases by the penitentiary service.

Hernan Larranaga, a prisoner burned in his isolation cell after prison officials were seen carrying a suspicious liquid there in July 2001, survived after months of intensive burn therapy. He remained incarcerated, and there were reports that his life would be under threat in any of the Buenos Aires Penitentiary units. There was no new information on the investigation into the burning.

Corruption among prison guards was a problem. Incidents in various prisons in Buenos Aires Province suggested the existence of a network of prison corruption aimed at retaliating against and silencing prisoners who filed complaints about torture. In a public trial that began in September for the killing of a police officer guarding a restaurant in 1998, a prisoner claimed he was released to commit crimes and shared a portion of the proceeds with prison guards, one of whom was also a participant in the restaurant incident. This case was linked to the 2001 prison guard taping of testimony by prisoner Carlos Sandez Tejada and the suspicious deaths of prisoners Maximiliano Noguera and his former cellmate and witness to prison irregularities, Miguel Angel Arribas (see Section 1.a.). The January 2001 report of the U.N. Special Rapporteur for Torture noted concerns about "abuses of authority by prison officials, such as torture and ill treatment, and corruption."

Under national regulations, pretrial prisoners may not be held together with convicted prisoners; however, reliable reports indicate that this segregation of prisoners often was not respected in practice.

The law provides for separate facilities for women and for minors, and these were available.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code limits the arrest and investigatory power of the police and the judiciary; however, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. Human rights groups found it difficult to document such incidents and said that victims were reluctant to file complaints because they feared police retaliation or did not believe that their complaints would result in any action.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that suspects have committed, or are about to commit, a crime, or if they are unable to determine the identity of a suspect. However, human rights groups argued that this provision of law was disregarded in order to extort money from persons by threatening to charge them with illegal weapons or drug possession.

A 2001 law permits the Federal Police to question suspects at the scene of the crime and to hold suspects incommunicado for up to 10 hours. It also gives police additional search powers (see Section 1.f.).

The law allows pretrial detention for up to 2 years, and the slow pace of the justice system often resulted in lengthy pretrial detentions (see Section 1.e.). If convicted, a prisoner usually receives credit for time already served. According to local authorities, approximately 70 percent of the inmates in the federal prisons of the greater Buenos Aires area were in pretrial detention. The law provides for the right to bail, and it was utilized in practice.

The law does not permit forced exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, its judges and judicial personnel were inefficient and at times subject to and apt to exercise political influence. The system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Judges have broad discretion as to whether and how to pursue investigations, contributing to a sense that many decisions are arbitrary. Allegations of corruption were reported widely, but only a small number of investigations, judicial impeachment trials, and dismissals of judges actually took place. Allegations of corruption in provincial courts were even more frequent than at the federal level, reflecting strong connections between some governors and judicial powers in their provinces.

Throughout much of the year, the National Congress pursued an effort to impeach all the members of the Supreme Court. Charges against the members ranged from failure to investigate the 1992 bombing of the Israeli Embassy to a broad variety of ethics issues. There was a widespread perception that the impeachment effort was highly politicized. Although the Impeachment Committee of the Chamber of Deputies recommended the impeachment of all nine Justices, the impeachments were shelved in October when none gained a two-thirds majority in the full Chamber.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary and witnesses (see Sections 1.a., 1.b., and 1.c.).

On June 4, in Villa Carlos Paz, Cordoba Province, teenage Ian Duran was shot to death shortly before he was expected to testify in the investigation into the May murder of Pablo Jossens. In June a detective investigating the Jossens case was also shot to death, and, according to press accounts, the initial prosecutor for the case received threats and turned the case over to another prosecutor. In September Duran's family began receiving death threats, and in November Duran's mother, also a potential witness in the Jossens case, was attacked and told to keep silent. In December the former police chief was taken into custody and charged with secondary participation in the murder of Jossens.

The Government provided a Border Police protection detail for public defender Maria Dolores Gomez, who was beaten and reportedly received threats attributed to prison authorities in March 2001. An investigation into the threats failed to substantiate them (see Section 1.c.).

There was no new information in the investigation into the 2000 death threats received by Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi, apparently in relation to investigations of kidnaping of children during the dirty war (see Section 1.b.). Additional security was provided to them.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it. The federal courts are divided between the criminal courts and economic courts.

The Council of Magistrates submits a slate of candidates for each federal judicial vacancy to the President, whose selection is subject to Senate approval. The Council also conducts impeachment hearings and administers the federal court system. In October there were 93 vacant positions and 67 slates awaiting Executive decisions. Two judges were removed by the Council.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old system of written submissions. However, substantial elements of the old system remain. For example, before the oral part of a trial begins, judges receive pretrial written documentation regarding the case, which, according to prominent legal experts, could bias a judge before oral testimony is heard. Lengthy delays in trials were a problem. The 1994 Constitution provides for trial by jury; however, required implementing legislation has not been passed. There is a provision for counsel for indigents; however, in practice counsel may not always be provided due to a lack of resources.

Several groups expressed concern regarding laws for judicial proceedings regarding minors (see Section 5).

Nine of the 11 prisoners convicted in the 1989 assault on the army barracks at La Tablada received conditional liberty in May.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. Violations were subject to legal sanction. In practice local police stopped and searched individuals without probable cause--a practice that increased as crime rates rose.

A 2001 law gave Federal Police new powers, including the power to enter the scene of a search without civilian witnesses in case of danger; to take evidence of a crime found while searching for items related to a different crime; and to search anyone, their belongings and cars, without a court order in order to find items "stemming from or constituting a crime or which could be used to commit one" as long as prior circumstances justify it and they are done in a place that is public or with unrestricted access. The law also provides for expanded powers of detention (see Section 1.d.).

A 2001 intelligence law provides for legislative oversight over government intelligence activities and prohibits unauthorized interception of telephone, postal, facsimile, or other voice or image transmissions as well as other kinds of information, files, and private documents. On June 6, the Government issued implementing regulations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely. The Federal Government owns the Telam wire service, a radio network, and a television station. A few provincial governments also own broadcast media.

There was no information on the status of investigations into the March 2001 delivery of a hand grenade and note to Carlos Abrehu, editor of La Gaceta de Tucuman, or of the shots fired into the homes of radio journalists Edgardo Soto in Santa Rosa and Martin Oeschger in Santa Fe's Capitan Bermudez in February and June 2001, respectively.

In June 2001, the Special Rapporteur for the U.N. Commission on Human Rights visited the Province of Santiago del Estero where daily El Liberal's reproduction of an insulting headline brought an onerous legal challenge by the Women's Branch of the Peronist Party. In his report released on February 25, the Special Rapporteur stated that the right of freedom of opinion and expression was widely respected and realized in the country; however, in the case of Santiago del Estero Province, he expressed deep concern. He urged provincial authorities to find a peaceful settlement to the crisis in which the Government withheld advertising to cripple El Liberal, which had become the target of abuse of executive power.

There was no additional information with respect to reports in 2000 of wiretaps and threats against El Liberal and threats against Cordoba's La Voz del Interior, which had published information about wiretapping and other abuses attributed to the provincial government of Santiago del Estero.

Suspects on trial for the 1999 killing of Ricardo Gangeme in Chubut Province, which some observers believed was related to his writing, were acquitted in a trial that began in August.

The law provides for academic freedom, and the Government did not restrict this right in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution and the law provide for freedom of assembly, and the Government generally respected this right in practice. There were numerous peaceful protests and demonstrations throughout the country during the year (see Section 6.a.). However, on a number of occasions, the security forces used rubber bullets, tear gas, and water cannons to disperse unruly demonstrators, resulting in several deaths and a number of injuries (see Section 1.a.).

Protest marches, roadblocks, and other demonstrations occurred frequently during the year. Often the protests were related to restrictions on withdrawals from banks and conversion of dollar deposits to pesos, cuts in or late

payment of public employees' wages, loss of employment, distribution of public benefit programs, and deterioration of public services. Roadblocks usually carried out by organized groups of the unemployed were common. The vast majority of these protests were carried out peacefully; however, in some cases, there was violence, and clashes occurred between demonstrators and public security forces, which generally used tear gas and rubber bullets to disperse protesters. Demonstrators sometimes were detained, often leading to charges that the Government, whether national or provincial, was "criminalizing" protests.

On June 26, in the Buenos Aires suburb of Avellaneda, a group of several hundred club-wielding demonstrators clashed with provincial police and Naval Prefecture forces. While initially using tear gas and rubber bullets, police forces pursuing demonstrators subsequently used force that resulted in two deaths and numerous injuries. Autopsies on demonstrators Maximiliano Kosteki and Dario Santillan found they were killed by metal shot. Press photos showed police pointing shotguns toward Santillan. In the same clash, it was reported that more than 100 persons were injured by such means as rubber and lead shot and that there were dozens of brief detentions and a search without a warrant of the nearby United Left/Communist Party headquarters (where protesters had taken refuge). An investigation began immediately, and the provincial governor replaced the Security Minister and police officials. A number of police were detained, including the police chief in charge of the operation (see Section 1.a.).

The Constitution and the law provide for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution states that the Federal Government "sustains the apostolic Roman Catholic faith," and the Government provides the Catholic Church with a variety of subsidies. Other religious faiths were practiced freely.

The Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship is responsible for conducting the Government's relations with the Catholic Church, non-Catholic Christian churches, and other religious organizations in the country. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat, and must report periodically to the Secretariat in order to maintain their status.

Acts of discrimination and violence against religious minorities, particularly the Jewish and Muslim communities continued to be reported. Combating this and other forms of intolerance was a priority for the National Institute against Discrimination, Xenophobia, and Racism (INADI). The Government continued to support a public dialog to highlight past discrimination and to encourage improved religious tolerance. There were a number of reports of anti-Semitic acts and of threats against Jewish organizations and individuals during the year. The most frequent incidents included the appearance of anti-Semitic and pro-Nazi graffiti and posters in cities throughout the country.

On July 14, some 150 tombs in an Islamic cemetery in the La Matanza district of Buenos Aires Province were attacked. Tombstones were broken and graves disturbed, but no offensive messages or graffiti were found. INADI and predominantly Jewish groups, acting in solidarity with the Islamic community, immediately issued statements repudiating the attacks as discriminatory. The La Matanza prosecutor was charged with the investigation.

On November 8, an anti-tank grenade was found outside a Jewish club in La Plata, Buenos Aires Province. The grenade, which was not equipped to explode, was found in a box along with a note bearing anti-Semitic slogans and a drawing of a swastika.

There was no progress in the investigations into the January 2001 attack on the Shi'a Muslim mosque in Buenos Aires, the bomb threat reportedly received 2 days later by the San Justo Islamic Cultural Center in Buenos Aires, or the April 2001 letter bomb which injured musician Alberto Merenson.

The Government began a Holocaust Education Project, under the auspices of the International Holocaust Education Task Force, which the country joined in June. The Ministry of Education worked to include Holocaust education in primary and secondary schools, and schools now commemorate a national day of tolerance on April 19. The Government renewed the charter of the National Commission for Clarification of Nazi Activities (CEANA), enabling CEANA to continue its investigations and to cooperate in Holocaust education.

The investigation into the 1992 bombing of the Israeli Embassy in Buenos Aires came to a virtual standstill. However, the investigation to find those directly responsible for the 1994 bombing of the AMIA Jewish community center (in which 85 persons died) continued during the year.

The public trial of 20 individuals (including 15 former Buenos Aires Province police officers) accused of providing the vehicle used in the 1994 bombing of the AMIA Jewish community center continued. Since the trial began in September 2001, testimony of over 800 witnesses focussed largely on carefully establishing the facts of the case, particularly the use of a van filled with explosives to carry out the attack (see Section 1.a.).

In May the third suspect accused in the 1995 beating of a youth believed to be Jewish surrendered to authorities after failing to appear in the December 2001 trial in which the other two defendants were convicted. In August he was released from detention, and a trial date had not been set by year's end.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government generally respected them in practice. Protesters frequently blocked roads and streets (see Sections 2.b. and 6.a.).

A committee composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior determines grants of refugee status, using the criteria of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A representative of the U.N. High Commissioner for Refugees may participate in committee hearings, but may not vote. The Government granted refugee status to numerous persons and accepted refugees for resettlement. As of September, 1,500 persons were awaiting decisions on their refugee status requests. During the year, the country received 360 new requests for refugee status from persons from 23 countries, compared with 861 requests received in 2001, 1,320 in 2000, and 1,456 in 1999. The country also implemented a cooperation program with the UNHCR, enabling them to more efficiently examine the large influx of cases in 1999 and 2000. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. In 1999 voters elected Fernando de la Rúa, leader of the "Alianza" coalition of opposition parties, as president. In national midterm legislative elections in October 2001, the opposition Justicialist party maintained its absolute majority in the Senate and replaced the Alianza as the largest party in the Lower House. This was the first time that the voters directly elected the Senate; previously provincial legislatures elected senators.

On December 20, 2001, after protests, street violence, looting, and deadly confrontations between security forces and demonstrators, President De la Rúa resigned. After several short-term interim presidencies, including one lasting 1 week headed by former San Luis Governor Adolfo Rodríguez Saa, the legislature selected former Buenos Aires provincial governor Eduardo Duhalde to serve out the remainder of the De la Rúa term. In June Duhalde called for presidential elections to be moved forward to allow a new President to take office by May 25, 2003.

The Constitution calls for political parties to implement measures to increase women's representation in elective office. Decrees were issued in 1993 and 2000 effectively resulting in an increase in the representation of women in the national legislature. In the lower chamber, 77 of 257 members were women. In the Senate, there were 24 women among the 72 members. Three cabinet members were women, the Minister of Labor, Employment and Social Security, the Minister of Education, and the Minister of Social Development. There were no female Supreme Court justices, but women were prominent in other levels of the judiciary.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government was usually cooperative, although not always responsive to their views.

Among the most active human rights organizations were the Grandmothers of Plaza de Mayo, the Mothers of Plaza de Mayo Founding Line, the Center for Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, and New Rights of Man.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary, witnesses, and local human rights organizations (see Section 1.e.). For example, in June Daniel Chocobar, a witness to alleged prison guard abuses was killed in prison apparently by another prisoner, but prison official involvement was plausible (see Section 1.a.). On September 20, unknown assailants shot into the home of Estela de Carlotto, a well-known leader of the Grandmothers of the Plaza de Mayo. She was not injured in the attack, and the provincial government immediately began an investigation into the attack.

Within the Federal Government, the Ministry of Justice, Security and Human Rights' Under Secretariat for Human Rights addresses human rights concerns at a domestic level. Human rights issues at the international level are handled by the Directorate General of Human Rights of the Ministry of Foreign Relations, International Trade, and Worship. The Foreign Ministry passes information on human rights issues raised internationally to the Ministry of Justice, which in turn, coordinates with a network of human rights representatives in the provinces. The Foreign Ministry and Ministry of Justice, Security and Human Rights cooperated with international human rights entities and provided helpful follow up information and assistance on key cases.

Representatives of the Inter-American Commission on Human Rights (IACHR) visited the country from July 29 to August 6. The IACHR representatives noted government efforts to solve amicably pending human rights cases, the deep impact of the social and economic crisis on human rights, the serious lack of confidence in the judiciary, and the need for a well functioning judiciary as a base for the protection of human rights. They also took note of public concern about deterioration in public security and of numerous complaints related to abuses by public security forces. The IACHR representatives highlighted overcrowding and consequent problems in jails and prisons and encouraged measures adopted by the Buenos Aires provincial government to improve protection of fundamental rights in the province.

A 2000 law calls for the human rights commissions of both chambers to write an annual report on human rights in the country beginning in 2001; the two committees had begun work but had not issued a report by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law provide for equal treatment for all citizens, and the law provides for prison terms of up to 3 years for discrimination based on race, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

INADI is mandated to identify and combat all forms of intolerance in the country. INADI investigates violations of the antidiscrimination law and carries out research and educational programs to promote social and cultural pluralism and combat discriminatory attitudes. After several years of institutional difficulties, the law establishing INADI was amended to provide INADI with greater independence and a budget of its own.

A 2000 Amnesty International (AI) report expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals (see Section 1.c.). The report included information regarding the 2000 death in police custody of a transvestite whose body showed signs of torture (see Section 1.a.). AI noted that police bylaws and provincial codes of misdemeanors allow police to detain or sanction members of sexual minorities for actions that do not constitute a criminal offense.

Women

Domestic violence and sexual harassment against women were recognized as serious social problems; however, the lack of official statistics on these crimes made accurate measure of the problems difficult. The Government, through the National Council of Women, implemented a new database system to standardize statistics on domestic violence, permit a more accurate evaluation of the scope of the problem, and promote better public policy. Although no national statistics on domestic violence were available, there were 658 complaints of sexual abuse filed in Buenos Aires in 2001, and experts estimated that only 10 to 20 percent of such incidents were reported.

Any person suffering physical or psychological domestic violence by a family member may file a formal complaint with a judge or police station; the level of injury inflicted determines the punishment under the civil and criminal codes. In addition, the Law on Protection Against Family Violence gives a judge the right to prevent the perpetrator of a violent act from entering the home or place of work of the victim and temporarily to decide issues of family support, child custody, and arrangements for communication with children.

Reliable statistics as to the extent of rape were not available. The crime of rape falls under the Law of Crimes Against Sexual Integrity. Marital rape and acquaintance rape are offenses under the law, if force is involved, but

the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented problems. The penalties for rape vary from 6 months to 20 years and depend on the nature of the relationship between the rapist and victim and the physical and mental harm inflicted.

Public and private institutions offered prevention programs and provide support and treatment for women who had been abused, but transitory housing was almost nonexistent. The Buenos Aires municipal government operated a small shelter for battered women and a 24-hour hot line offering support and guidance to victims of violence, but few other shelters exist. NGOs working in the area of women's rights stressed that women often did not have a full understanding of their rights or of what actions could be considered punishable offenses.

Sexual harassment was a serious problem. In 2001 Buenos Aires Province adopted the first law outlawing sexual harassment in provincial agencies. However, women lacked information about what constitutes sexual harassment.

Prostitution is illegal but did occur. Some women have been trafficked to the country for purposes of prostitution in the past (see Section 6.f.).

Despite legal prohibitions, women encountered economic discrimination and occupied a disproportionate number of lower paying jobs. Often women were paid less than men for equivalent work, although this is prohibited explicitly by law. Working women also were represented disproportionately in the informal sector, where they did not have the work-related economic and social benefits enjoyed by registered workers.

The National Council of Women, an interagency organization under the authority of the President's Cabinet Chief, carried out programs to promote equal opportunity for women in the social, political, and economic arenas. The Special Agency for Women's Issues, a unit in the Ministry of Foreign Affairs, participated in studying domestic law standards so as to adapt them to the rules of international law. This Agency and the National Council of Women, together with the Labor Ministry and union and business organizations, formed the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market.

Children

The Government voiced strong commitment to issues of children's rights and welfare, including education and health; however, austere federal and provincial budgets meant that programs in these areas received insufficient funding. The Ministry of Justice, Security, and Human Rights' Under Secretariat for Human and Social Rights worked with UNICEF and other international agencies to promote children's rights.

The law requires that all children receive a minimum of 9 years of schooling, beginning at 6 years of age. Education is compulsory, free, and universal for children up to the age of 15; however, adequate schooling is unavailable in some rural areas. A 1999 study by the National Council for Childhood, Adolescence and the Family--an independent government organization reporting to the Ministry of Social Development and Environment--stated that approximately 99 percent of all children of primary school age attended schools, with roughly the same percentages for both genders. There were numerous federal and provincial health care programs for children, although not all children had access to them.

NGOs and church sources indicated that child abuse and prostitution increased, although no corroborating statistics were available. A 2000 UNICEF report stated that sexual exploitation of children was widespread due to police inefficiency and lack of judicial intervention. The children involved usually worked in the same institutions as adults. The National Council for Childhood, Adolescence, and the Family has developed an Action Plan, together with the Attorney General, the Ministry of Justice, Security and Human Rights, the National Council of Women, and UNICEF, on the elimination of child prostitution.

The country's economic crisis disproportionately affected children. Almost 3 out of 4 children under age 12 lived under the official poverty line. Nearly 40 percent of children were considered indigent, as their families did not earn enough to meet their basic food necessities. According to the Center for Studies on Infant Nutrition, malnutrition increased from 11 percent to 20 percent between 2001 and 2002. The public health system did not keep pace with the increased risks. The press reported over 60 deaths of children attributed to malnutrition, and the health minister estimated that some 11,000 children in Argentina die each year from such preventable causes. Schools often had meal programs, and elementary school attendance reportedly remained high even in poor communities. The Government's subsidy program for unemployed heads of households assisted more than 2 million people by year's end. An emergency feeding program was also implemented nationwide. Many school meal programs were kept

open over the summer break in order to help ameliorate the situation.

There was a report of an isolated case of two Bolivian children trafficked to the country for labor (see Section 6.f.).

UNICEF and the National Council for Childhood, Adolescence and the Family were concerned about existing laws for judicial proceedings regarding minors. Children under the age of 16 have immunity. However, under the Law of Guardianship, those accused of a crime who are between the ages of 16 and 18 are taken before a judge and assumed guilty of the crime, without the benefit of either an oral or written trial. Punishment is then determined based not on the severity of the crime under the law but on the financial ability of the guardians to provide treatment and rehabilitation. Thus, minors who commit serious crimes but come from wealthier families may be released to the guardians, while minors from impoverished backgrounds may be sent to juvenile detention centers for lesser crimes.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services, and mandates access to buildings for persons with disabilities. There was some progress in these areas. The National Advisory Commission on the Integration of People with Disabilities (a governmental office), the national ombudsman, and numerous NGOs defended the rights of persons with disabilities and helped them to find employment.

A 1994 law mandates standards regarding access to public buildings, parks, plazas, stairs, and pedestrian areas. Street curbs, commuter train stations, and some buildings in Buenos Aires have been modified to accommodate wheelchairs, but many public buildings and lavatories remained inaccessible to persons with disabilities. The Buenos Aires subway system installed a small number of escalators and four elevators for one of the city's five subway lines; however, the other four subway lines remained inaccessible to many persons with disabilities.

A 2000 law mandated greater accessibility to buses and trains for persons with disabilities such that 1 of 50 buses must be equipped with a lowered floor or wheelchair lift. However, NGO groups claimed that these buses were not maintained, that these bus services were not regular, and that bus drivers were not given special training to deal with the needs of persons with disabilities.

NGOs and special interest groups claimed accessibility laws often were not respected in practice. The law does not define the term "accessible" nor does it provide deadlines or penalties for noncompliance. The national law is not mandatory for the provinces, and there are no penalties for provincial noncompliance. Accessibility laws have not been implemented in local building codes, and many new buildings were not accessible to persons with disabilities. Grievances filed about the failure to comply with these laws may result in a fine, but usually no action was taken to make the building accessible to persons with disabilities.

The National Ombudsman's 2001 report criticized the Government for insufficient funding and failure to enforce laws regarding discrimination and accessibility for persons with disabilities, such as ensuring that government buildings provide space for persons with disabilities to operate small businesses and that at least 4 percent of the work force in government offices be comprised of persons with disabilities. A newly enacted law put into effect at the end of the year provides for the Ministry of Labor and National Advisory Commission for the Integration of People with Disabilities jointly to oversee fulfillment of the 4-percent national government employment quota.

Indigenous People

The Constitution recognizes the ethnic and cultural identities of indigenous people and states that Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. However, in practice, indigenous people did not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs (INAI) is the government agency responsible for implementing these provisions. The Indigenous Advisory Council has not yet been established as provided in the law creating INAI.

The principal indigenous groups--the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces--were believed to represent less than 5 percent of the national population. The INAI estimated that there were approximately 700,000 indigenous persons, most of whom resided in rural areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimated the indigenous population at 1.5 million persons. Other demographers in recent years estimated there were at most 450,000 indigenous persons. The 2001 national census collected information about indigenous identity for the first

time; however, results of the information about indigenous identity had not been released at year's end.

Poverty rates were higher than average in areas with large indigenous populations. Indigenous persons have higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Since 1994 the Government has restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction and road construction.

National, Racial, and Ethnic Minorities

Racist incidents were underreported, and racism often was denied as a problem; however, members of racial minorities, such as those of African descent, reported frequent cases of verbal insults and, in some cases, physical assaults on the streets of Buenos Aires.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly were subjected frequently to verbal insults because of their dark skin. Accounts by those who have been subject to incidents of racial prejudice indicated that this was a more common problem than was reported widely. There were several incidents of apparent racial discrimination against Afro-Americans, including two serious cases involving unprovoked beatings in public establishments by private security personnel. Members of minority groups reported avoiding buses and other crowded public facilities out of fear of being subjected to racial harassment.

In March 2001, the U.N. Committee on the Elimination of Racial Discrimination expressed concern regarding reports throughout the country of police brutality committed on a variety of pretexts on grounds of race, color, or ethnic origin.

In January 2001, a Bolivian woman, Marcelina Meneses, and her 10-month-old Argentine son were insulted, then were pushed or fell from a suburban train. Both were killed. There was no reported progress in the investigation despite efforts by the Bolivian immigrant community to locate witnesses.

There was no further information on the investigation into the 2000 racial discrimination case of a woman of African descent, Elisa Souza de Melgarejo, and her grandson, who were assaulted verbally in a supermarket.

In 2001 the Argentine Soccer Association established rules to stop or cancel games when any ethnic incidents or taunting erupts, such as anti-Semitic and anti-immigrant incidents that occurred at soccer matches in the past several years. Such incidents diminished after the rules were implemented.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides for the right to form "free and democratic labor unions, recognized by simple inscription in a special register," and unions exercise this right. With the exception of military personnel, all workers are free to form unions. An estimated 35 percent of the work force was organized. Trade unions are independent of the Government and political parties, although many union leaders traditionally have supported the Justicialist Party. Most unions are affiliated with one of the two factions of the General Confederation of Labor (CGT). A smaller federation, the Argentine Workers' Central, also is recognized legally.

Labor groups not affiliated with the CGT continued to argue that the Professional Associations Law provision for legal recognition of only one union per sector conflict with International Labor Organization (ILO) Convention 87. The ILO's Committee of Experts, in a document released during the year, noted with satisfaction various measures the Government had taken in 2001 to provide trade union associations merely registered with rights and benefits similar to those of unions legally recognized. However, it indicated that it would address all the matters raised earlier in its next session.

The law prohibits antiunion practices, and the Government generally enforced this prohibition in practice.

Unions are free to join international confederations without government restrictions; many unions also were active

in international trade secretariats.

b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security ratifies collective bargaining agreements, which cover roughly three-fourths of the formally employed work force. According to the ILO, the ratification process impedes free collective bargaining because the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards, but also considers whether the agreement complies with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year when the Government refused to approve any collective agreements under the above criteria.

The 2000 Labor Reform Law allows collective bargaining on a regional, provincial, or company basis. A conciliation service, which began operation in 1997, has helped reduce the number of labor disputes in courts. In April and September, foreign experts conducted training sessions in mediation for labor professionals, particularly government officials.

The Constitution provides for the right to strike, and this right was observed in practice. There were no national general strikes by the largest union confederations, but there were numerous smaller scale strikes. These strikes generally were brief protests related to sector specific problems or were carried out by public sector employees, including teachers, against the economic model or specific government austerity measures.

Groups of unemployed and underemployed workers, retirees, and unions around the country frequently demonstrated and used roadblocks as acts of protest. Hundreds of incidents took place during the year. Many of the roadblocks were carried out by groups of impoverished persons demanding retention or restoration of jobs, more federal and provincial unemployment payments or job subsidies. The roadblocks usually were organized by political or labor leaders. While most roadblocks were resolved by negotiated settlements, sometimes including promises of extended or expanded unemployment programs, some ended in confrontations between the police and demonstrators. Two persons were killed in Buenos Aires Province in association with such a confrontation (see Sections 1.a., 1.c., and 2.b.).

There are three functioning export processing zones with many others legally registered but not active. The primary commercial advantages of these zones are related to customs and duty exemptions. The same labor laws apply within these zones as in all other parts of the country.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children. During the year, there was only one report of workers found in conditions of forced labor with poor pay and working conditions. In December the press reported that police arrested two Bolivians who owned a garment factory in the city of Buenos Aires where 15 young Bolivians, including two minors, were found working in conditions constituting "servitude."

d. Status of Child Labor Practices and Minimum Age for Employment

The education law requires that children attend school until the age of 15, effectively prohibiting formal employment of children under 15; however, other laws are inconsistent and child labor was a problem. The labor laws still allow children to work at the age of 14, and in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 15 and 16 may work in a limited number of job categories, but not more than 6 hours a day or 35 hours a week. The penalty for employing underage workers ranges from \$278 to \$1,388 (1,000 to 5,000 pesos) for each child employed.

In May the Ministry of Labor published, with IPEC support, a Diagnostic Synthesis on Child Labor that estimated the number of children working in 2000 at 483,000--a 91.6 percent increase in 5 years. Relying on a broader definition, which includes children working in their homes, the Diagnostic estimates that there were 1.5 million child laborers.

In June a UNICEF education consultant reportedly stated that in the large urban areas 6 of every 10 adolescents (ages 13-17) worked rather than studied. Such considerable and continuing growth in child labor was considered credible given the country's economic distress.

In 2000 the President formally established a National Commission for the Eradication of Child Labor to work with the Government, organized labor, the business community, religious groups, UNICEF, and NGOs. The Commission, whose activities are financed largely by IPEC, signed several agreements with provinces to cooperate in addressing child labor problems and conducted training activities.

e. Acceptable Conditions of Work

The monthly national minimum wage was \$54 (200 pesos), which was not sufficient to provide a decent standard of living for a worker and family. It is determined by a tripartite committee and has not changed since 1993. However, few workers in the formal sector made the minimum wage; according to a prominent labor expert, the estimated average income of a laborer was approximately \$150 (550 pesos) per month. Those employed full time in the informal sector were estimated to make closer to \$100 (370 pesos) per month.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, laws governing acceptable conditions of work are not enforced universally, particularly for workers in the informal sector who constituted an estimated 40 percent of the work force prior to the current economic crisis and likely an even larger share of the work force during the year.

Employers are required by law to insure their employees against accidents at the workplace, and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthful work situations, after having gone through a claim procedure, without jeopardy to continued employment. Nonetheless, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

f. Trafficking in Persons

No laws specifically address trafficking in persons; however, other laws may be used to prosecute crimes associated with trafficking, such as kidnaping, forced labor, use of false documents, and prostitution. Laws against child abuse provide penalties for trafficking children for purposes of prostitution, and other laws prohibit alien smuggling, indentured servitude, and similar abuses. There were credible reports that women brought from the Dominican Republic to work in Argentina in the mid to late 1990s were coerced into prostitution. An investigation encompassing nearly a dozen such women was underway at year's end, and the International Organization of Migration approved the return of 51 Dominicans during the year. There also was a report of 15 Bolivians, including 2 children, who may have been trafficked to the country.

While there were no government programs specifically to assist trafficking victims, the Office for Assistance to Migrants can provide help, and the Office for Assistance to the Victims of Crime provided practical, legal, and psychological support to several Dominican victims of trafficking who are pursuing cases in the legal system. The Government seldom detained immigrants on immigration-related charges.